

STATUTORY INSTRUMENTS SUPPLEMENT

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S T A T U T O R Y I N S T R U M E N T S

2020 No. 60

THE PETROLEUM (EXPLORATION, DEVELOPMENT AND
PRODUCTION) (AMENDMENT) REGULATIONS, 2020

ARRANGEMENT OF REGULATIONS

Regulation.

1. Title
2. Amendment of regulation 172 of S.I No. 47 of 2016
3. Amendment of regulation 174 of principal Regulations
4. Amendment of regulation 176 of principal Regulations

STATUTORY INSTRUMENTS

2020 No. 60.

The Petroleum (Exploration, Development and Production) (Amendment) Regulations, 2020

(Under section 183 of the Petroleum (Exploration, Development and Production) Act 2013, Act 3 of 2013)

IN EXERCISE of the powers conferred upon the Minister responsible for petroleum activities by section 183 of the Petroleum (Exploration, Development and Production) Act, 2013 and in consultation with the Petroleum Authority of Uganda, these Regulations are made this 28th day of November, 2019.

1. Title

These Regulations may be cited as the Petroleum (Exploration, Development and Production) (Amendment) Regulations, 2020.

2. Amendment of regulation 172 of S.I. No. 47 of 2016

The Petroleum (Exploration, Development and Production) Regulations, 2016, in these Regulations referred to as the principal Regulations are amended in regulation 172 as follows—

(a) by substituting for paragraph (a) the following—

“(a) “emergency” means a circumstance which is urgent or unforeseeable or a situation which is not caused by dilatory conduct which may—

- (i) compromise life, the environment, conditions or quality of goods, equipment or buildings;
- (ii) cause a serious delay to a petroleum project unless a procurement is undertaken within the required time frame;

- (iii) cause a petroleum project feasibility to be seriously compromised unless a procurement is immediately undertaken; or
 - (iv) cause operations shutdown unless action is urgently taken;
- (b) by inserting immediately after paragraph (a) the following—

“(aa) “petroleum project” means a petroleum activity whose delay may lead to cessation or delay of production of petroleum.”

3. Amendment of regulation 174 of principal Regulations

The principal Regulations are amended in regulation 174—

- (a) by substituting for subregulation (5), the following—

“(5) Single sourcing shall be applicable for procurements whose values do not exceed US\$ 100,000 except for emergency procurements as defined in regulation 172 (a) or where there is an existing contract under which additional works or services are required, in circumstances—

- (a) where the works, services or supplies are available from only one provider;
- (b) where an existing contract is extended for additional works, services or supplies of a similar nature and there is no added advantage to be obtained by further competition and the prices on the extended contract have been determined by the Authority to be reasonable;

- (c) where additional works, services or supplies are required to be compatible with existing supplies, works or services and it is advantageous or necessary to purchase the additional works, services or supplies from the original supplier and the prices on the additional contract have been determined by the Authority to be reasonable; or
 - (d) where it is essential or preferable to purchase additional works, services or supplies from the original supplier to ensure continuity for associated work, including continuity in technical approach, use of experience acquired or continued professional liability and the prices on the additional contract have been determined by the Authority to be reasonable.
- (b) by inserting immediately after subregulation (5) the following—

“(5a) Notwithstanding subregulation (5), a licensee shall before procuring works, services or supplies whose value exceed US\$ 100,000, using single sourcing procurement method on grounds specified under regulation 172 (a) (ii) and (iii), seek the approval of the Authority.

(5b) A request to the Authority for approval under subregulation (5a) shall provide a comprehensive justification for use of single sourcing and shall state the reasons giving rise to the emergency.”

4. Amendment of regulation 176 of principal Regulations
The principal Regulations are amended in regulation 176—

- (a) by substituting for subregulation (5) the following—

“(5) The Authority shall publish the list of companies

to provide goods, works and services for petroleum activities in the national supplier database from time to time as the Authority may determine.” ;

- (b) by substituting for subregulation (6) the following—

“(6) The Authority may evaluate applications for prequalification from service providers in accordance with these Regulations and update the national supplier database from time to time as the Authority may determine.”;

- (c) by substituting for subregulation (7) the following—

“(7) A company that has been qualified under this regulation shall remain on the national supplier database for three years and may reapply to be included in the national supplier database.”; and

- (d) by inserting immediately after subregulation (7) the following—

“(7a) A company that has been qualified under this regulation may request access to the national supplier database to correct or delete information about the company in the national supplier database that is inaccurate, irrelevant, excessive, out of date, incomplete or misleading during the period referred to in subregulation (7).”

IRENE MULONI (MP),
Minister of Energy and Mineral Development.